

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERSON A. McGEE,

Plaintiff,

v.

AIRPORT LITTLE LEAGUE
BASEBALL, INC., et al,

Defendants.

No. 2:21-cv-1654 JAM DB PS

ORDER

Plaintiff Jefferson A. McGee is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Plaintiff commenced this action on September 14, 2021, by filing a complaint and paying the applicable filing fee. (ECF No. 1.) On November 22, 2021, plaintiff filed a motion for leave to file an amended complaint and a proposed amended complaint. (ECF Nos. 8 & 9.)

Rule 15(a) of the Federal Rules of Civil Procedure provides that “leave to amend shall be freely given when justice so requires.” AmerisourceBergen Corp. v. Dialysist West, Inc., 465 F.3d 946, 951 (9th Cir. 2006) (quotation omitted); see also Fed. R. Civ. P. 15(a) (“The court should freely give leave when justice so requires.”). However, courts “need not grant leave to amend where the amendment: (1) prejudices the opposing party; (2) is sought in bad faith; (3) produces an undue delay in the litigation; or (4) is futile.” Id. The “court’s discretion to deny

1 leave to amend is particularly broad where the court has already given the plaintiff an opportunity
2 to amend his complaint.” Fidelity Financial Corp. v. Federal Home Loan Bank of San Francisco,
3 792 F.2d 1432, 1438 (9th Cir. 1986).

4 Here, the undersigned finds that granting plaintiff leave to amend would not prejudice
5 defendants, is not sought in bad faith, would not produce an undue delay in this litigation, and
6 does not appear to be futile. Moreover, plaintiff has not previously been granted leave to amend.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff’s November 22, 2021 motion for leave to amended (ECF No. 8) is granted;
9 2. The November 22, 2021 amended complaint is the operative complaint in this action;

10 and

- 11 3. The Clerk of the Court shall issue plaintiff summons for service on the defendants.

12 Dated: December 14, 2021

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15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE
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